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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Concluding observations on the combined seventh and eighth periodic reports of Japan

Addendum

Information provided by Japan in follow-up to the concluding observations*

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* The present document is being issued without formal editing.

Please recycle

1. In its Concluding Observations on the government of Japan's combined seventh and eighth periodic reports, the UN Committee on the Elimination of Discrimination against Women requested that the government of Japan provide, within two years, written follow-up information on two of the recommendations contained therein. The implementation status of the government's efforts regarding these recommendations is as follows.

Efforts common to the recommendations for which follow-up was requested

2. Upon receipt of the Concluding Observations in March 2016, the government sent them to the relevant government ministries and agencies, the National Diet, and the Courts and decided to conduct serious deliberations of the matters recommended in the Concluding Observations. In addition to posting the English original and a provisional Japanese translation of the Concluding Observations on its website, the government is engaging in efforts to raise awareness about the Convention on the Elimination of All Forms of Discrimination against Women through posters, PR videos, web pages, and white papers.

3. It also provided a report on the Concluding Observations to the Council for Gender Equality, which comprises relevant ministers and experts, in May 2016.

4. In the drafting of this follow-up report, in October 2017, the Specialist Committee on the Intensive Policy under the Council for Gender Equality received briefings from related ministries and agencies on the progress made on the policies in relation to the follow-up recommendations and held discussions on the matters raised in those briefings. Further, in December 2017, "the Hearing" (a meeting for the exchange of information and opinions hosted by the Planning Committee of the Liaison Conference for the Promotion of Gender Equality) was held for related ministries and agencies to provide explanations to the wider civil society. In March 2018, a report was made on this Report to the Council for Gender Equality.

Discriminatory laws and lack of legal protection

5. **Amend the Civil Code in order to raise the legal minimum age of marriage for women to 18 years to be equal to that of men; and revise legislation regarding the choice of surnames for married couples in order to enable women to retain their maiden surnames; and abolish any waiting period for women to remarry upon divorce (see CEDAW/C/JPN/CO/7-8, para. 13 (a)).**

6. The following is a report of developments in Japan and the government's efforts relating to Paragraph 13 (a), mainly covering the period from January 2014, when the Seventh and Eight Combined Reports were prepared, to March 2018.

7. The Fourth Basic Plan for Gender Equality was approved by the Cabinet on December 25, 2015 as an outline for comprehensive, long-term policies under the Basic Act for a Gender Equal Society. The Basic Plan states that, in consideration of changes in family structures, the diversification of lifestyles, trends in citizens' awareness, and the Concluding Observations of the Committee on the Elimination of Discrimination against Women, and also taking judiciary decisions into account, the government will deliberate on the amendment of provisions of the Civil Code, such as standardizing the legal age of marriage for men and women, introducing a system of that allows married couples to use separate surnames, and review the period of prohibition of remarriage required for women, and other legislative systems related to families.

Status of Deliberations Toward the Amendment of the Civil Code to Raise the Legal Age of Marriage for Women

8. In Japan, under the Civil Code, the marriageable age is 18 years for men and 16 years for women. In October 2009, the Legislative Council of the Ministry of Justice, an advisory council of the Minister of Justice, recommended that, if the age of adulthood under the Civil Code was to be lowered to 18 years, the marriageable age for both men and women should be 18 years.

9. In response to this recommendation, in March 2018, the Ministry of Justice submitted a bill to the National Diet for lowering the age of adulthood to 18 years and making the marriageable age 18 years for both men and women.

System of Allowing Married Couples to Use Separate Surnames

10. Although a Supreme Court judgement of December 16, 2015 declared that Article 750 of the Civil Code, which stipulates that married couples shall have the same surname, was constitutional, the judgement also indicated that the status of such systems was a matter that should be debated and decided in the Diet.

11. The government recognizes that, because this issue is deeply connected to the state of families in Japan and views among the Japanese public vary, it should be deliberated carefully, taking into account the comments in the Supreme Court judgement and trends in public debate.

12. The government will continue its efforts to raise awareness to deepen public debate about this issue, through public relations activities such as posting information in a Q&A format about the significance of a system of allowing married couples to use separate surnames.

Act for the Partial Amendment of the Civil Code (Shortening of Period of Prohibition of Remarriage)

13. If a woman were to marry and bear a child within a short period after the dissolution of a previous marriage, it would become difficult to determine the paternity of the child due to the overlapping of the presumption of legitimacy of the child between the husband of the previous marriage and the husband of the later marriage (see Article 772 of the Civil Code). The provisions on the period of prohibition of remarriage of Article 733 of the Civil Code were established as a means of avoiding those difficulties.

14. Under these circumstances, in response to the judgement of the Supreme Court on December 16, 2015 that any part of the period of prohibition of remarriage that extended beyond 100 days was in violation of the Constitution, in June 2016, the Act for the Partial Revision of the Civil Code, shortening the period of prohibition of remarriage to 100 days was enacted and is now in force (hereinafter referred to as "the Amended Code").

15. The aforementioned Supreme Court judgement states that a period of prohibition of remarriage of 100 days would be the minimum necessary period to avoid overlapping of presumption of legitimacy and indicates that it was decided on the basis of rational reasons.

16. In the Amended Code, in addition to shortening of the period of prohibition of remarriage, an amendment has also been made to the effect that, in the case where a woman had not conceived a child at the time of the divorce or if the woman gave birth after the divorce, the provision for the period of prohibition of remarriage shall not apply (see Article 733 (2)).

17. In response to the above, on the same day as the date of enforcement of the Amended Code, a document was sent to the Legal Affairs Bureaus and District Legal Affairs Bureaus stating that, for notifications of marriage involving women for whom the 100-day period of prohibition of remarriage had not yet passed, if a doctor's certificate stating that the woman falls under the provisions of post-revision Article 733 (2) is submitted, as long as all other substantive requirements have been met, those notifications were to be accepted. This was also made known to local governments at the same time.

18. Further, Paragraph 2 of the Supplementary Provisions of the Amended Code states that, around three years after the enforcement of the Act, the government will take into account the status of enforcement of the provisions of the Code after its revision and conduct further deliberations into the state of the systems pertaining to the prohibition of remarriage. The government will continue to deliberate on this matter, taking into account the status of enforcement of the provisions of the Code after its revision.

Increase in Use of Maiden Surname as a Common-Use Name

19. In Japan, with the diversification of activities in society and individual lifestyles, efforts are underway to increase the use by women of their maiden surname as a common-use name, so they do not feel inconvenienced or their motivation to work is not impeded.

20. In bureaucratic departments, in addition to making the use of maiden surnames by national public servants for external interactions a legal act, the government also encourages local governments to do the same.

21. The courts have also permitted the use of maiden surnames on court-related documents since September 2017.

22. In both Houses of the Diet, female Dietmembers are permitted to use their maiden surnames officially as their official Dietmember name.

23. In the private sector, the government conducted a survey of the status of use of maiden surnames in companies and, based on the findings of that survey, encouraged business organizations and other relevant parties to allow such use.

24. For the My Number Card, etc., preparations are underway for the amendment of the relevant legislation and upgrading of systems to enable those who desire it to have their past surname recorded alongside their current surname on their My Number Card, etc.

25. For passports, deliberations are underway to change the criteria to print one's former surname on the passport so that it can be printed upon the request by an applicant while its necessity is judged individually under the current rule.

26. For bank accounts, etc., the Cabinet Office issued a formal request to the Japanese Bankers Association and other related organizations seeking their cooperation in the increase of use of maiden surnames on bank accounts, etc.

Stereotypes and harmful practices

27. **Adopt legislation to prohibit and sanction sexist speech and propaganda advocating racial superiority or hatred, including attacks on ethnic and other minority women such as the Ainu, Buraku and Zainichi Korean women as well as migrant women (see para. 21 (d)).**

28. **Regularly monitor and assess the impact, through an independent expert body, of measures taken to eliminate discriminatory gender stereotypes and prejudices against Ainu, Buraku, Zainichi Korean women and migrant women (see para. 21 (e)).**

29. The following is a report of developments in Japan and the government's efforts relating to Paragraph 21 (d) and (e), mainly covering the period from January 2014, when the Seventh and Eight Combined Reports were prepared, to March 2018.

Human Rights Education, Awareness-raising Activities, and Other Efforts Under the Fourth Basic Plan

General

30. The Fourth Basic Plan for Gender Equality was approved by the Cabinet on December 25, 2015 as an outline for comprehensive, long-term policies for promoting the formation of a gender-equal society based on the Basic Act for Gender Equal Society.

31. The Fourth Basic Plan states that, in cases where women face multiple difficulties due to their gender, in addition to being a non-Japanese living and working in Japan, Ainu people, or because of Dowa issues, consideration is needed from the perspective of respect for human rights. It states that efforts will be made to build an environment in which women placed in a variety of difficult circumstances can live with confidence, from the perspective of gender equality.

32. Based on the Basic Plan, etc., related ministries and agencies are, for example, working on the promotion of human rights education and awareness-raising activities, the promotion of remedies in the event of the identification of cases of suspected human rights violations, and enhancing the counselling systems at human rights counselling centres in the Legal Affairs Bureaus and District Legal Affairs Bureaus. The human rights counselling centres in the Legal Affairs Bureaus and District Legal Affairs Bureaus are making efforts to create systems that make it easier to seek counselling, such as having female Human Rights Volunteers and staff members handle human rights consultations from women, and, where necessary, coordinate and cooperate closely with related organizations.

33. In Japan, the Act on the Promotion of Human Rights Education and Human Rights Awareness-Raising was enforced in December 2000 for the further promotion of measures related to human rights education and awareness-raising activities. This Act clarifies the basic principles of human rights education and awareness-raising activities and the respective duties of the national government, local governments, and citizens. Under this Act, the Basic Plan on Human Rights Education and Human Rights Awareness-Raising was formulated by Cabinet decision with the objective of the comprehensive, systematic promotion of human rights education and awareness raising. This Basic Plan cites problems concerning women, the Dowa issue, Ainu people, and foreign nationals as human rights issues and appropriate measures are being undertaken under the Basic Plan to address those issues.

Approaches and Human Rights Education and Awareness-raising Activities for the Elimination of Prejudice and Discrimination Toward Foreign Nationals, Including Migrant Women

34. In consideration of the fact that foreign national women face multiple additional challenges due to differences in language, culture and values, and in particular, due to being a woman, measures are being taken such as building systems for the provision of multi-lingual information and counselling services regarding education,

housing, job assistance, legal affairs and systems for foreign nationals living in Japan, and support for the children of foreign nationals, etc.

35. The Act on the Prevention of Spousal Violence and the Protection of Victims also covers victims who are foreign nationals. To support foreign-national victims and give victims prompt access to remedies and protection, the Cabinet Office prepares public relations materials for foreign-national victims and distributes them to related organizations, and also provides information on its website that will be useful for the support of victims of spousal violence, including in foreign languages. Efforts are also being made at Spousal Violence Counselling and Support Centres, including placing counsellors who are able to respond in foreign languages in those Centres.

36. In the Ministry of Health, Labour and Welfare, with securing the safety of victims as the first priority, the temporary protection offices of the women's counselling offices are engaging in the training and development of specialist interpreters for foreign nationals, to provide the necessary support in accordance with the various circumstances of victims.

37. In relation to human rights issues concerning foreign nationals, the Ministry of Justice is responding to human rights counselling needs with the establishment of Human Rights Counselling Centres for Foreign Nationals in 50 Legal Affairs Bureaus and District Legal Affairs Bureaus nationwide, which are able to respond in six foreign languages (English, Chinese, Korean, Filipino, Portuguese, and Vietnamese), as well as a dedicated Foreign-language Human Rights Hotline telephone service that also deals in the above six languages, and a Foreign Language Human Rights Counselling on the Internet service in English and Chinese.

38. The Ministry of Education, Sports, Science and Technology makes efforts to enhance education that will raise awareness about respect for human rights in school education, including not discriminating against any person. These efforts include instilling in children and students the certain knowledge, skills, and attitudes, etc. they need to lead a life in society, through the extension of educational activities aimed at realizing the respective educational objectives and goals of different types of schools. The Ministry also implements support for efforts by local governments, etc. to enhance Japanese-language education and build support systems for schoolchildren who are foreign nationals.

39. To enable foreign nationals residing in Japan to acquire the Japanese language skills needed to live a safe and secure life and to facilitate their lives as members of Japanese society, the Agency for Cultural Affairs conducts a Japanese Language Education Program for "Foreigners Living in Japan" with the objective of promoting Japanese language education. It provides support such as dispatching advisors to local governments that do not possess know-how in Japanese language education, as well as support for outstanding regional Japanese language education efforts and training to contribute to the enhancement of Japanese language education.

Regular Checks of the Implementation Status of Policies Concerning Human Rights Issues

40. Based on the Basic Act for Gender Equal Society and the Fourth Basic Plan for Gender Equality, the Gender Equality Bureau of the Cabinet Office has conducted a survey of systems, etc. concerning remedies for victims of human rights violations caused by factors impeding the formation of a gender-equal society. It has reported on this survey to the Council for Gender Equality, and made the survey findings public. The Bureau has also made reference to the implementation status of policies concerning human rights issues for women in the White Paper on Gender Equality.

41. According to the results of the above-mentioned surveys, there were 19,306 cases of human rights consultations on the Women's Rights Hotline in 2016, including violent abuse, sexual harassment, and stalking. Human rights bodies also handled 7,730 cases of human rights consultations involving female victims in 2016, and there were 2,285 cases of human rights violations with female victims.

42. Under the provisions of Article 8 of the Act for Promotion of Human Rights Education and Encouragement, the government is obliged to report to the Diet annually on its measures taken concerning human rights education and awareness-raising activities.

43. The Cabinet Office conducted a public opinion survey on human rights promotion and protection in October 2017 to ascertain citizen awareness of issues such as women, the Dowa issues including Buraku discrimination, human rights problems against foreign nationals, etc., and measures for solving such problems, and is using the findings as reference for future government policies for solving human rights issues.

Efforts to Eliminate So-called Hate Speech, Including the Enforcement of the Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behaviour against Persons Originating from Outside Japan

44. In Japan, discriminatory speech and behaviour that excludes people of specific ethnic groups or nationalities, has attracted attention from society as so-called hate speech. In light of this and other factors, the Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behaviour against Persons Originating from Outside Japan was enforced in June 2016.

45. This Act, which declares that unfair discriminatory speech and behaviour against persons originating from outside Japan will not be tolerated, was enacted to spread awareness among the general public and to promote their understanding and cooperation through further human rights education and awareness raising activities, and to strengthen efforts to eliminate unfair discriminatory speech and behaviour. It aims to specify the basic principles and clarify the responsibilities of the national government, etc., as well as set out and promote basic measures relating to efforts to eliminate such discriminatory speech and behaviour.

46. The Ministry of Justice conducts awareness-raising activities regarding the fact that unfair discriminatory speech and behaviour against people of specific ethnic groups or nationalities must not be permitted, and is engaged in developing counselling systems for victims of such speech and behaviour and improving the convenience of human rights counselling in foreign languages.

Efforts to Resolve the Dowa Issue (Buraku discrimination), Including the Enforcement of the Act on the Promotion of the Elimination of Buraku Discrimination

47. The Act on the Promotion of the Elimination of Buraku Discrimination was enacted and enforced in Japan in December 2016.

48. This Act promotes the elimination of Buraku discrimination, by setting out the basic principles and clarifying the responsibilities of the national government and local governments, as well as setting out the enhancement of counselling systems, etc. concerning the elimination of Buraku discrimination, with the aim of realizing a society that is free from Buraku discrimination.

49. To eliminate discriminatory attitudes regarding the Dowa issue, including Buraku discrimination, the Ministry of Justice has been working to remedy and prevent damage from Buraku discrimination through various awareness-raising

activities, human rights counselling, and investigation and processing of human rights violation cases. Since the enforcement of the Act, in accordance with the purport of the Act, the Ministry continues to conduct these activities and works to raise awareness of the Act and enhance counselling systems.

Policies Related to Ainu

50. With the aim of realizing a society in which the Ainu people's pride as an ethnic group is respected and their status is raised, the government pursues comprehensive policies designed to promote Ainu culture and spread knowledge and awareness of Ainu traditions, etc., and to raise the standard of living of the Ainu people. Specifically, it established the Council for Ainu Policy Promotion, which is organized by the Chief Cabinet Secretary and whose members include Ainu representatives (as of March 2018, three of the 14 members are women), and, taking into account the opinions of Ainu people, pursues efforts such as projects related to the establishment of The Symbolic Space for Ethnic Harmony.

51. The Ministry of Justice also responds to various human rights counselling matters, including human rights issues concerning Ainu people, at the Legal Affairs Bureaus and District Legal Affairs Bureaus around the country.